

JOURNAL OF THE HOUSE.

Thursday, July 3, 2014.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag. Pledge of allegiance.

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to validating the actions taken at the annual town election in the town of Dudley (House, No. 4257), was filed in the office of the Clerk on Monday, June 30. Dudley,—
election.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Election Laws. Sent to the Senate for concurrence.

Statement of Ms. Atkins of Concord.

A statement of Ms. Atkins of Concord was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for a portion of the session held on June 30, due to the opening of the Magna Carta exhibition at the Museum of Fine Arts. I have worked, for the past year and a half, to help bring this exhibit to Boston. Statement of
Ms. Atkins
of Concord.

Had I been present for Yea and Nay Nos. 412 and 413, I would have voted, in each instance, in the affirmative. My missing of roll calls that day was due entirely to the reason stated.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. deMacedo of Plymouth) congratulating Stewart Andrew Betz on receiving the Eagle Award of the Boy Scouts of America; Stewart
Andrew
Betz.

Resolutions (filed by Mr. Kulik of Worthington) congratulating Double Edge Theatre in the town of Ashfield on the occasion of its twentieth anniversary; Ashfield,—
theatre.

Resolutions (filed by Mr. Kuros of Uxbridge) congratulating the Bellingham High School Blackhawks baseball team on winning the Massachusetts Division III state championship; Bellingham,—
High School
baseball team.

Resolutions (filed by Mr. Kuros of Uxbridge) congratulating the Bellingham High School Blackhawks softball team on winning the Massachusetts Division II state championship; Bellingham,—
High School
softball team.

Resolutions (filed by Mr. Roy of Franklin) congratulating Doris Fenberg on the occasion of her ninety-fifth birthday; Doris
Fenberg.

Ryan Glynn. Resolutions (filed by Mr. Roy of Franklin) congratulating Ryan William Glynn on receiving the Eagle Award of the Boy Scouts of America;

Tyler Kokoszka. Resolutions (filed by Mr. Roy of Franklin) congratulating Tyler Michael John Kokoszka on receiving the Eagle Award of the Boy Scouts of America;

Michael Landry. Resolutions (filed by Mr. Roy of Franklin) congratulating Michael James Landry on receiving the Eagle Award of the Boy Scouts of America;

Brian Molloy. Resolutions (filed by Mr. Roy of Franklin) congratulating Brian Peter Molloy on receiving the Eagle Award of the Boy Scouts of America;

Ethan Pearl. Resolutions (filed by Mr. Roy of Franklin) congratulating Ethan Richard Pearl on receiving the Eagle Award of the Boy Scouts of America; and

Nicholas Stinehour. Resolutions (filed by Mr. Roy of Franklin) congratulating Nicholas John Stinehour on receiving the Eagle Award of the Boy Scouts of America;

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Kaufman of Lexington, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Paper from the Senate.

Information technology.

The House Bill financing information technology equipment and related projects (House, No. 3770), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2230). The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Margaret Poindexter,—sick leave.

A Bill establishing a sick leave bank for Margaret Poindexter, an employee of the Massachusetts Department of Transportation (Senate, No. 2185, amended in line 1 by striking out the following: "SECTION 1"; and in lines 4 and 5 by striking out the name "Janet Everett" and inserting in place thereof the name "Margaret Poindexter"), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Distinctive registration plates.

A petition of Bruce E. Tarr, Donald F. Humason, Jr., James M. Cantwell, Leah Cole and other members of the General Court for legislation relative to distinctive registration plates, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Transportation.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2244) was referred, in concurrence, to the committee on Transportation.

Reports of Committees.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Marjorie C. Decker relative to tests of newborn children for treatable disorders or diseases. To the committee on Public Health. Newborns,—
tests.

Petition (accompanied by bill) of Antonio F. D. Cabral for legislation to establish a sick leave bank for Anita Rebello, an employee of the Department of Children and Families; and Anita
Rebello,—
sick leave.

Petition (accompanied by bill) Paul McMurtry and Michael F. Rush for legislation to establish a sick leave bank for Athanasios Gougoulias, an employee of the Department of Developmental Services; Athanasios
Gougoulias,—
sick leave.

Severally to the committee on Public Service.

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Mr. Binienda of Worcester, for the committee on Rules, on the Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain House documents concerning matters relating to the judiciary (House, No. 4218), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1590) of Byron Rushing relative to motor vehicle violation judicial appeals,— and recommending that the same be recommended to the committee on the Judiciary. Under Rule 42, the report was considered forthwith; and it was accepted. Motor vehicle
violations,—
appeals.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to the clerks of courts (House, No. 3747), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4253). Clerks of
courts.

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Mr. Kafka of Stoughton, for said committee, then reported recommending that the matter be scheduled for consideration of the House.

Under suspension of said rule, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill modernizing licensing operations at the Division of Professional Licensure (House, No. 3918), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4254). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending. Division of
Professional
Licensure,—
operations.

Mr. Kafka of Stoughton, for said committee, then reported recommending that the matter be scheduled for consideration of the House.

Under suspension of said rule, on motion of the same member, the bill was read a second time forthwith.

Division of
Professional
Licensure,—
operations.

Pending the question on adoption of the amendment recommended by the committee on Ways and Means, Mr. Hill of Ipswich moved that the proposed substitute bill be amended by inserting, after section 31 the following three sections:

“SECTION 31A. Chapter 13 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following new sections:—

Section 109. There shall be a board of registration of phlebotomists, in section 109 to 111, inclusive, to be called the board which shall consist of 7 members, one of whom shall be the commissioner of public health, or his designee, and 6 of which shall be appointed by the governor. Members of the board shall be residents of the commonwealth and citizens of the United States. Six members of the board shall be licensed phlebotomists, under the provisions of sections 264 to 274 of chapter 112, except in cases of members originally appointed to the board, two of whom must have at least 10 years of active work experience as a phlebotomist, and one member of the board shall be a representative of the public subject to section 9B. The board of registration of phlebotomists shall establish the requirements for licensure, fees, continuing education, and standards for the licensure, and professional and ethical conduct in accordance with the provisions of this chapter. The board shall determine the qualifications of applicants to be licensed, and grant licenses to applicants who qualify under this chapter and chapter 112 and meet the requirements of the board’s rules and regulations. The governor shall designate the chairperson of the board, and may, at any time, change such designation. Members shall be appointed for terms of three years. No member shall be appointed to more than two consecutive full terms but a member appointed for less than a full term may serve two full terms in addition to such part of a full term. A member may be removed by the governor for neglect of duty, misconduct or malfeasance or misfeasance in office after a written notice of the charges against him and an opportunity to be heard. The governor may also fill any vacancy in the board for the unexpired portion of the term.

Section 110. The members of the board shall serve without compensation; provided, however, that each member shall be reimbursed for actual expenses reasonably incurred in the performance of duties as a member or on behalf of the board

Section 111. The board shall hold at least 2 regular meetings in each calendar year, at such time or places as the board shall determine, for the purpose of examining applicants for registration and the transaction of other business.

SECTION 31B. Subsection 1(e) of section 24 of chapter 90 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting in line 486 after the words:— ‘registered nurse’ the following:— , a phlebotomist, as licensed under chapter 112,

SECTION 31C. Chapter 112 of the General Laws as appearing in the 2012 Official Edition, is hereby amended by adding at the end thereof the following new sections:—

Section 264. As used in sections 264 to 274, inclusive, the following words shall, unless the context clearly means otherwise, have the following meanings: ‘approved national certification agency’, one of

the nationally recognized agencies that certify phlebotomists by examination, including but not limited to:

- (i) American Society for Clinical Pathology;
- (ii) American Medical Technologists, National Credentialing Agency;
- (iii) American Certification Agency; or
- (iv) Any agency approved by the board.

'Board', the board of registration of phlebotomy established by section 109 of chapter 13 of the General Laws.

'Phlebotomist', a person whose responsibilities include, but are not limited to, collecting blood samples from patients under the instruction of a physician licensed under section 2 of chapter 112 of the General Laws, separating blood into different test tubes in order for it to be used in medical tests, accurately labeling said tubes and insuring correct samples are sent to the laboratory.

'Phlebotomy', the incision into a vein or artery for the purpose of drawing blood.

Section 265. The board may issue necessary rules and regulations for the proper conduct of its duties, including rules governing the qualifications of applicants, and shall keep a full record of its proceedings and keep a record of the names of all persons examined or registered by it, which shall be open to public inspection. Said record shall include the licensee name, last known employer and residential address, date of licensing and license number.

The board shall make an annual report containing a full and complete account of all of its official acts during the preceding year.

Section 266. No person shall represent himself to be a phlebotomist or in the business of phlebotomy or use the title phlebotomist in the commonwealth on any sign, title, card, or other device to indicate that such person is a phlebotomist, unless such person shall have secured from the board a certificate of registration as a phlebotomist.

Section 267. Every person, before engaging in the practice of phlebotomy in this commonwealth, shall make application to the board. Applications for registration as phlebotomists shall be made upon a form to be prescribed by the board and in the handwriting of the applicant and furnished by the board. No person shall be registered by the board as a phlebotomist unless he has been found by the board to be eighteen years of age or over, a resident of the commonwealth, is of good moral character, files an application with evidence of current certification granted by a board approved by a national certification agency, provides proof of meeting educational standards as established by the board, and a registration fee to be determined by the commissioner of administration under the provision of section 3B of chapter 7. If the board deems an applicant's qualifications are satisfactory, the board shall issue to him a license. The board shall make such rules as they deem proper for the performance of their duties and rules governing the qualifications of applicants for examination.

Section 268. Each registration granted under sections two-hundred sixty five to two hundred sixty six shall expire two years after issuance and shall be renewed upon the filing of an application therefore, evidence of current certification from an approved national certification agency, evidence of completion of continuing education as determined

Division of
Professional
Licensure,—
operations.

by the board through rule or regulation, and the payment of the prescribed renewal fee, on or before its expiration, and any further requirements as established by the board through rule or regulation. No person registered under said sections as a phlebotomist shall engage in the occupation covered by such registration until the prescribed renewal requirements as established by the board have been performed and evidence thereof submitted. Any phlebotomist whose registration has not been renewed within three years following the date of expiration thereof shall be entitled to renewal of such registration upon filing an application, accompanied by the proper fee therefore, by submitting evidence of certification from an approved national certification agency and any further requirements as established by the board through rule or regulation. A licensee must maintain certification from an approved national certification agency at all times.

Section 269. Upon payment to the board of a fee and the submission of a written application provided by said board, the board shall issue a license to a person who holds a valid license or registration issued by another jurisdiction which has standards substantially equivalent to or exceeding the standards of the commonwealth, as determined by the board, and extends similar privileges to persons licensed by the commonwealth.

Section 270. Any person aggrieved by the refusal of the board to grant, or by its suspension or cancellation of, a registration, or by its refusal to again register him, may, within ten days after such action, appeal to the district court within the judicial district of which he resides by bringing a petition in said court addressed to the justice of the court, praying for a rehearing by the court. Upon the filing of the petition for a rehearing in the case of a suspension or cancellation of a registration, such suspension or cancellation shall be stayed pending the final decision of the court. After such notice to the board as the court deems necessary, the court shall hear the witnesses and shall affirm the decision of the board, unless it shall appear that it was made without proper cause or in bad faith, in which case the decision of the board shall be reversed. The court shall hear the petition within thirty days of the filing of it in said court. The decision of the court shall be final and conclusive.

Section 271. The board may establish by rule or regulation the minimum educational and experience qualifications which the applicant must possess before being allowed to apply for a license under this chapter.

Section 272. Every person engaged in the business of phlebotomy not lawfully registered or licensed under this board is forbidden to do so under sections 264 to 274 inclusive and every person so licensed violating any provision of sections one to fifteen, inclusive, of this chapter or any ordinance, by-law, rule or regulation made there under, shall be punished by a fine not exceeding one hundred dollars per day.

Section 273. Notwithstanding any general or special law to the contrary, the board shall issue a phlebotomist license without examination to an applicant who meets the requirements of sections 264 to 274 and provides to the board satisfaction that he is and actually has been in the paid professional practice for 5 years out of the last 10 years in the field of phlebotomy, preceding the effective date of this act. The board,

in its discretion, may waive the education requirements for an applicant if it determines that an applicant's combined professional and education credentials meet the intent of this act. The provisions of this section shall expire one year following the effective date of this act.

Section 274. The requirements contained in sections 264 to 274, inclusive, shall not be construed to prevent any of the following persons from acting within the scope of their profession:

- (i) Certified clinical laboratory scientists;
- (ii) Medical technologists;
- (iii) Medical laboratory technicians; or
- (iv) Physicians licensed under section 2 of chapter 112.”.

The further amendment was adopted.

The amendment recommended by Ways and Means, as amended, then also was adopted; and the substituted bill (House, No. 4254, amended) was ordered to a third reading.

Report of the committee on Environment, Natural Resources and Agriculture, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4127) of William M. Straus (by vote of the town) that the town of Fairhaven be authorized to establish a per acre shellfish aquacultural license fee in said town. Under suspension of the rules, on a motion of Mr. Straus of Mattapoisett, the report was considered forthwith. Pending the question on acceptance of the report, the petition was recommitted, on motion of Ms. Gobi of Spencer.

Fairhaven,—
shellfish
license fee.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, that the following bills ought to pass:

To provide equal access to medical treatments essential for children with autism (House, No. 76) [Cost: Greater than \$100,000.00];

Autism,—
children.

Relative to mastectomies (House, No. 931) [Cost: Greater than \$100,000.00];

Mastectomies.

Regarding MassHealth applications (House, No. 2083) [Cost: Greater than \$100,000.00]; and

MassHealth
applications.

Relative to the treatment of mentally ill persons in prison (House, No. 4122) [Cost: Greater than \$100,000.00].

Prisoners,—
mental
illness.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Ms. Peisch of Wellesley, for the committee on Education, on Senate Nos. 216, 217, 220, 222, 224, 263 and 269 and House, Nos. 332, 334, 336, 354, 355, 384, 386, 463, 474, 480, 492, 493, 502, 511, 516, 3287, 3306 and 3421, a Bill relative to special education finance (House, No. 4249).

Special
education.

By Mr. Costello of Newburyport, for the committee on Financial Services, on House, No. 876, a Bill relative to the regulation of the business of domestic and foreign money transmission by the Division of Banks (House, No. 4246).

Money
transmission,—
regulation.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, on Senate No. 503 and House, No. 1021, a Bill relative to transfers of assets by MassHealth members (House, No. 1021) [Cost: Greater than \$100,000.00].

MassHealth,—
asset
transfers.

Licenses,—
suspension.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on a petition, a Bill relative to motor vehicle license suspension (House, No. 3099).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Child
suicide.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, that the Resolve providing for an investigation and study by a special commission relative to child suicide (House, No. 3741), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Lawrence,—
illegal
dumping.

By Mr. Markey of Dartmouth, for the committee on the Judiciary, on a petition, a Bill authorizing the city of Lawrence to establish a program for enforcement against illegal dumping (House, No. 1288) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following House bills be scheduled for consideration by the House:

Barre,—
bridge.

Designating a certain bridge in the town of Barre as the Barre American Legion bridge (Senate, No. 1874);

Id.

Designating a certain bridge in the town of Barre as the U.S.N. S2/C Basil D. Izzi memorial bridge (Senate, No. 2043);

Plumbing.

Clarifying insurance requirements for plumbing work (House, No. 203);

Bellingham,—
liquor
license.

Authorizing the town of Bellingham to grant an additional license for a package store alcoholic beverages not to be drunk on the premises (House, No. 3636) [Local Approval Received];

Auction.

Relative to the sale of distilled spirits at auction (House, No. 4144); and

Millis,—
town
meeting.

Relative to article 6 of the town of Millis May 12, 2014 annual town meeting (printed in House, No. 4182);

Under suspension of Rule 7A, in each instance, on motion of the same member, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Emergency Measures.

Kyle
Melvin,—
sick leave.

The engrossed Bill establishing a sick leave bank for Kyle Melvin, an employee of the Department of Correction (see Senate, No. 2155), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 6 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill establishing a sick leave bank for Andrea Thomas, an employee of the Division of Capital Asset Management and Maintenance (see House, No. 4177), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble. Andrea Thomas,—
sick leave.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 5 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Engrossed Bills.

The engrossed Bill relative to pharmacy practice in the Commonwealth (see House, No. 4235) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

The engrossed Bill relative to the preparation of certain bilingual ballots in the city of Boston (see House, No. 4089, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Id.

Orders of the Day.

The Senate Bill authorizing the town of Westport to assess additional amounts of real estate and personal property taxes to pay certain medical expenses incurred by certain public safety personnel (Senate, No. 2192), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence. Third reading bill.

House bills

Authorizing the appointment of special police officers in the town of Barnstable (House, No. 3643) (its title having been changed by the committee on Bills in the Third Reading); and Third reading bills.

Modernizing banking laws and enhancing the competitiveness of state-chartered banks (House, No. 4110);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

House bills

Relative to sons and daughters of corrections officers (printed as Senate, No. 1255); and Second reading bills.

Relative to children of corrections officers (House, No. 2222);

Severally were read a second time; and ordered to a third reading.



Flood
insurance.

The Senate amendments of the House Bill relative to flood insurance (House, No. 3783, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, were considered.

Mr. Speliotis of Danvers then moved that the House concur with the Senate in its amendments with a further amendment by striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the text contained in House document numbered 4255; and the further amendment was adopted.

The House then concurred with the Senate in its amendments, as amended. Sent to the Senate for concurrence in the further amendment.

Eels and
elvers.

The House Bill increasing the fine for the illegal taking of eels and elvers (House, No. 3782), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Peake of Provincetown moved to amend it in in section 1 (as published), in line 7; in section 2 (as published), in line 10; in section 3 (as published), in line 17; and in section 4 (as published), in line 20, by striking out the word "six" and inserting in place thereof, in each instance, the figure "9".

The amendments were adopted; and the bill (House, No. 3782, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Saugus,—
John
Coburn.

The House Bill directing the State-Saugus retirement board to retire John Coburn, a police officer of the town of Saugus (House, No. 3809) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Wong of Saugus moved to amend it by substitution of a bill with the same title (House, No. 4256), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next
sitting.

At twenty-eight minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.